

FILED

MAR 20 2024

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF NORTH CAROLINA

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY MUR DEP CLK

Eastern DIVISION

Betsy S. Holley

John L. Smith

v.

Elvanetta S. Woolard

DSS: Pamela Fleming

DSS: Taneisha W. Whitehurst

DSS: Angela Ellis

NO. 4:24-CV-00050-M

COMPLAINT

Plaintiff resides at:

101 Park St. Williamston, N.C.

27892

Defendant(s)' name(s) and address(es), if known:

Elvanetta S. Woolard

3070 Pineywoods Rd. Jamesville, N.C. 27846

Pamela Flemming DSS: 305 E-Main St. Williamston, N.C.

Taneisha W. Whitehurst 305 E Main St. 27892

Angela C. Ellis

Williamston, N.C. 27892

305 E. Main St

Williamston, N.C. 27892

Jurisdiction in this court is based on: Federal Question
Venue is proper pursuant to 18 U.S.C. Section 242-1983
Same District

The acts complained of in this suit concern:

DSS worker Taneish W. Whitehurst have been misleading plaintiff on investigation or every court proceeding since Oct 26, 2023 investigation. Five months later 45 days investigation. Plaintiff was maliciously lied, refuse to give evident to Plaintiff. Held hearings that was scheduled for both parties to hear. Denial of right to gather evidence. Rights to hearings, Right to Present Evidence and Testimony, Right to call witness and Right to Question Witnesses. Right to Appeal.

Every rights was ~~neg~~ neglected. Every hearing was an excuse. February 6, 2024 plaintiffs and witnesses was being blocked by Taneisha W. Whitehurst and Angela C. Ellis in court waiting area. Taneisha Whitehurst called several times to plaintiff making false statement about the case. Reason why it been postpone. All the while they was having hearings without plaintiff through their friends at the clerk of

The acts complained of this suit concern

Court Office. Taneisha C. Whitehurst told about John L. Smith injure at facility. But ignored. Same with worker Pamela Fleming, Angela Ellis they wanted him to be there. To protect them from this very lawsuit. John Smith needed to stay. So they ^{wouldn't} be responsible for him being in a facility. Because they all violated his rights together. Violated plaintiff Power of Attorney and Health Power. And still until now, John Smith was in facility they were all fine. November, December of 2023 have not heard or anyone checked on him. Until January 16, 2024, Director Angela Ellis filed Notice of Hearing On Incompetence and order Appointing Guardian AD LITEM. Violating plaintiff Dual Power of Attorney and Healthcare with hearsay. The defendant is liable for she/he actions. Taneisha Whitehurst, Angela Ellis tried to block plaintiff Betsy S. Holley and witnesses from entering courtroom. February 6, 2024, Telling us it was a child protective hearing. So we didn't have to be there. Afraid of getting a failure to appear. Betsy S. Holley, John L. Smith entered courtroom. Someone dim the lights. There were no child protective case. Clerk of Court Tanya Leggett called John Smith name where we couldn't understand it. Intentionally. Witnesses ask who were she calling? Witnesses ask if it was John Smith. Continuance!!

and scheduled it for February 13, 2024. Another continuance because hadn't heard from attorney to represent John L. Smith and plaintiff Betsy Holley by William Barber. It would not have made any difference. Because hearings had already taken place from court papers. Now courts say case must start over starting March 21, 2024. I don't know if I and my brother will be able to go through this with his new diagnose.

Thank You

Jurisdiction in this court is based on: Federal Question

Venue is proper pursuant to 18 U.S.C. Section 241;
Conspiracy Against Rights. 18 U.S.C. Section 242 - 1983
Deprivation of Rights Under Color of Law. Same
District. ~~CA~~

The acts complained of in this suit concern:

DSS Worker Pamela Fleming on October 26, 2023 went to 3404
Pineywoods Rd. Jamesville NC. After a October 24, 2023 alleging
that John L. Smith Plaintiff was being financially exploited and
that his basic needs was not being met by sister Betsy Holley.
Power of Attorney and Healthcare Power. Allegations was
conspired by Elvanetta Woolard, Lamont Woolard, DSS
Workers Angela Ellis, Taneisha Whitehurst, Pamela Fleming.

False allegations was taken serious by Pamela Fleming
causing her to enter 3404 Pineywoods Rd. home where
John L. Smith was having a morning cigarette on the
screened in porch. Watch cars go by. John L. Smith
said he was afraid when he saw a strange vehicle.

Pamela Fleming approach Mr. Smith and said I
need to go in and check your home. Walked to
refrigerator and walked back out and said you do
have food. Never turned water on. Never mention no
heat. Because it was there. Pamela Flemming enter

property where there were no imminent danger or threat to John L. Smith. Nor anything alleged in the report. Pamela Fleming entered home without probable cause, warrant, no court order. Violation of 18 U.S.C. Section 241 and others named in civil action. Documents enclosed on exhibits to show during covid-19 how money was spent, utility was never in delinquent. LEAP was available to all residents. John Smith was enrolled where utility was paid two times a year. Exhibits

(If you need more space, or wish to include any further information for consideration, please attach additional sheets.)

I seek the following relief:

For Plaintiff Betsy Smith Holley and John Latham Smith, Emotional Distress and injure. \$75,000

DATE

SIGNATURE OF PLAINTIFF

ADDRESS AND PHONE NUMBER OF PLAINTIFF

The acts complained of in this suit concern:

Exhibits will show documents of Betsy Holley doing all she could during Covid-19 to provide for John Smith. Pamela Fleming never asked for documents. Pamela Flemings wanted receipts for 3yrs. back. That I couldn't provide due to pandemic most was online. Social Security annual report was approved for 13yrs. They ignored all the documents. Including Dr. Timothy Madigan of Primary Care report. That report show false allegations no merits for an investigation that is over.

But yet court orders are still intact. All in civil case name conspired against Betsy S. Holley P.O.A. and Power Attorney" for "John L. Smith to deprive him of his rights. John L. Smith injure, oppress, emotional depress, lack of proper hygiene, lack of proper food, afraid of being without his sister Betsy S. Holley.

Causing emotional distress, chest pain having to receive medical care. Causing John L. Smith to be bitten by mices, bedbugs at a Senior Center that he was forced into by Pamela Fleming, Elvanetta Woodard, Taneisha Whitehurst, DSS Director Angela Ellis. During the Adult Protective

evaluation I Betsy L. Holley never placed my brother John L. Smith in Vintage Inn November 1, 2023.

This is fabricated information. This is where 18 U.S.C. Section 242-1983 comes in. Color of Law.

The conduct complained of was committed by a person acting under the color of law. And the conduct deprived

the plaintiff of a constitutional right, Pamela Fleming, after entering John L. Smith home on October 26, 2023 no warrant, no court order, no sheriff. October 27, 2023 call John L. Smith phone to tell him Elvanetta Woolard and husband Lamont Woolard is going to pick him up. Betsy Holley myself told Pamela Fleming I had Power of Attorney. She asked if it was at the court-house? I responded yes, She looked strange, because she had entered earlier illegally, I did not know until John L. Smith my brother told me that a woman just walked right in the house. He asked her who she were. Just said you got food.

October 27, 2023 John Smith received a call to be ready his sister was picking him up. John Smith was picked up by sister Elvanatta Woolard named as defendant, Taking to Village Inn to be signed in not my Betsy S. Holley P.O.A. and Health Power Attorney. John Smith thought I told them to take him there. Because that's why he went with them. I went to take him breakfast about 9:30 he wasn't home. I looked for about two hour couldn't find him. He don't go walking far. I got so worried so I got his phone and see where DSS worker Pamela Fleming had called John Smith, I called the number back it was Pamela Fleming. Ask her if she had called John Smith and knew his where about? She respond no! I told her I can't find my brother I bought his breakfast. She said

put it on the table. And hung up. I was going to sheriff office found him missing. Until I saw my sister Elvaneeta Woolard van at Village Inn.

Upon arriving going inside I found my brother John Smith having a episode upset with me.

Because he thought I had put him away.

Defendant Elvaneeta Woolard had put in his head bad things about me. ~~Everyone~~ Everyone had been unfair and wrong untruthful about this whole ordeal.

Depriving both Plaintiff of our rights. Violations of John Smith rights filed. On January 16, 2024 John Smith was removed by myself Betsy Holley and bought home with me to live. November,

December of 2023 didn't hear anymore from DSS workers Pamela Fleming, Taneisha Whitehurst,

Director Angela Ellis. Until I removed my brother John Smith from facility due to rodent bites on hand and neck and bed bugs. Lack of food,

bath, clean clothes. His hand was swollen and had a fever. They put ointment but didn't help. So the day I bought him home, court papers started arriving. We attend four or

more hearings that was continuance, Court was having hearings and deciding without

Plaintiff present. Violating Plaintiff due process and retaliation on plaintiff for removing brother John Smith. Whom I had to go to facility every other day to take food, bathe, change his clothes. Mostly bring him home to do it and take him

back. Had to watch him cry every time. Exhibits will show. I know this is long hope you have patient to read this. John Smith is happy with me and I always have taken care of him. A promise I made mama in 2013. My brother is scheduled for dermatology April, 2024. And has been diagnosed with pulmonary disease. Tumors in right lung. I need him with me and no restriction. Defendants put John Smith in facility to secure themselves from this very violations. He was fine with them as long as he was at facility. Suffering and crying for me everyday and I was there doing what everybody wasn't. Defendants is under color of law.

Jurisdiction in this court is based on: Federal Question

Federal Question

Title 18 U.S.C. Section 241, S. 3406 ADA Act of 2008

False Allegation. Same District.

The acts complained of in this suit concern:

Elvanetta Smith Woolard made false allegation about her brother John L. Smith. On October 24, 2023, That John L. Smith was being financially exploited and that his basic need were not being met. Not having running water and heat. Which was made up to retaliate about land for 13 yrs. Elvanetta Woolard is upset about the land. Violating his Title 18 U.S.C. Section 241 S. 3406 ADA of 2008. Causing Mr. John Smith from November 1, 2023 until January 16, 2024, Causing him injury on hands and neck from mices, Bedbug bites. Lack of food, baths, changing of clothes. Mr. John Smith is still seeing a dermatology and pulmonary doctor. Elvanetta revenge was to take him to Vintage Senior without confronting sister Betsy Holley and forcing Betsy Holley to have to sign John Smith into a facility where he was mistreated. Ordered by Pamela Fleming, Angela Ellis, Taneisha Whitehurst. They all were conspiring against Betsy

Holley. While violating his right as a U.S. citizen, Elvanetta Woolard have always praised Betsy Holley for such a good job she is doing with John L. Smith their brother. Betsy Holley has report from Dr. Timothy Madigan of 20 yrs. A good report. Elvanetta Woolard knew during Covid-19 how risky it was to survive. After 13 yrs. why now? Elvanetta Woolard religious belief J.W. that she can't be around family. She has caused John L. Smith suffering. Conspired with others to remove John L. Smith to cease his heir property. Causing emotional distress to both plaintiffs.

I seek the following relief:

I seek the relief of \$75,000 for his violations and emotional distress, Violation of Conspiracy Against Rights.

3-

DATE

SIGNATURE OF PLAINTIFF

ADDRESS AND PHONE NUMBER OF PLAINTIFF

Jurisdiction in this court is based on: Federal Question

Venue is proper pursuant to 18 U.S.C. Section 242
Deprivation Under Color of law. Same District 1983

The acts complained of in this suit concern:

DSS Director Angela C. Ellis has been maliciously lied and suppressed exculpatory evidence to deprive Betsy S. Smith and John S. Smith who are plaintiffs. Falsifying documents to unrest John Smith from his home the defendant conspire together to violate plaintiffs rights. Ellis filing paper on same day John Smith was removed from ~~his home~~ Vintage Inn facility waiting 60 days not hearing anything. Statue of limitation of 45 day investigation turn into 5 mos. of emotional distress and injure by rodents, ~~mice~~ red bugs and lack of proper food amount. Angela Ellis is under color of law.

(If you need more space, or wish to include any further information for consideration, please attach additional sheets.)

I seek the following relief:

For plaintiffs Betsy Smith and John Latham Smith
Emotional Distress and injury to John Latham Smith,
amount of \$ 75,000

03-20-2024

DATE

SIGNATURE OF PLAINTIFF

Betsy S. Halley
John Smith

ADDRESS AND PHONE NUMBER OF PLAINTIFF